

REMARKS

Claims 1-55 are pending in the application. Claims 1, 3, 5-7, 9-22, 24-26, 28-42, 44, 45, and 47-55 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Mansouri et al. (US 2003/0062262 A1) ("Mansouri" or "the Mansouri publication"). Claims 2, 8, 27, and 43 were rejected under 35 U.S.C. 103(a) as being allegedly obvious over Mansouri. Claims 4, 23, and 46 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Mansouri in view of Nakanishi et al. (US 4,245,050) ("Nakanishi"). Claim 44 was rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as the invention. Applicants respectfully request reconsideration and withdrawal of these rejections in light of the following remarks.

Claim Rejections under 35 U.S.C. 102(e) and 35 U.S.C 103(a)

Applicants hereby enclose a Declaration under 37 C.F.R. §1.131 signed by Sohrab Mansouri, an inventor of the present application, to establish invention of the subject matter of claims 1-55 prior to August 22, 2001, the effective filing date of the Mansouri publication. Attached as Exhibit A to the Declaration is a redacted Invention Disclosure signed by each of the inventors of the present application in support of this prior invention date.

In light of the Declaration and the Exhibit, Applicants submit that the Mansouri publication is disqualified as prior art under 35 U.S.C. 102(e). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 102(e) and 35 U.S.C 103(a) based on the Mansouri publication.

In addition, because Nakanishi discloses only variants of choline and is not related to the underlying claimed subject matter of the pending claims, Applicants submit that the rejections under 35 U.S.C 103(a) based on the combined teachings of the Mansouri publication and Nakanishi cannot stand given the disqualification of the Mansouri publication as prior art.

In light of the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-55 under 35 U.S.C. §102(e) and 35 U.S.C. §103(a).

Claim Rejections under 35 U.S.C. § 112, second paragraph

The Office action indicates that there are two claims labeled "44" in the original claim set. The two claims have been renumbered as claims 44 and 45, respectfully. Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, has been rendered moot.

CONCLUSION

Applicants submit that based on the above remarks, claims 1-55 are in condition for allowance and respectfully request that a Notice of Allowance timely be issued for this application. The Examiner is respectfully urged to contact the undersigned attorney with any questions regarding this paper or to schedule an interview to discuss any aspect of this application.


Respectfully submitted,

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